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Attorneys for Defendants
CITY OF BURLINGAME; BURLINGAME
POLICE CHIEF JACK L. VAN ETEN;
BURLINGAME POLICE OFFICER JAREL
PETERS; BURLINGAME POLICE
SERGEANT DOWNS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANGELA OSTINI and DENNIS OSTINI, CASE NO. C 07 1011 WHA

Plaintiffs,

v.

CITY OF BURLINGAME, a municipal
corporation; BURLINGAME POLICE
CHIEF JACK L. VAN ETEN, in his
official capacity; BURLINGAME
POLICE OFFICER JAREL PETERS;
BURLINGAME POLICE SERGEANT
DOWNS; DOES 1-25, inclusive,

Defendants.

**STIPULATION REGARDING DEFENDANTS'
MENTAL EXAMINATION OF PLAINTIFF
ANGELA OSTINI; ORDER THEREON**

IT IS HEREBY STIPULATED by and between Plaintiff ANGELA
OSTINI, and Defendants CITY OF BURLINGAME, a municipal
corporation; BURLINGAME POLICE CHIEF JACK L. VAN ETEN, in his
official capacity; BURLINGAME POLICE OFFICER JAREL PETERS;
BURLINGAME POLICE SERGEANT DOWNS, through their respective
attorneys of record:

1. That plaintiff ANGELA OSTINI agrees to submit to a
mental examination pursuant to Federal Rule of Civil Procedure 35

1 according to the terms set forth herein;

2 2. That plaintiff ANGELA OSTINI will submit to a mental
3 examination on January 17, 2008 at 9:30 a.m. with Mark Kimmel,
4 Ph.D.

5 3. That the terms of plaintiff ANGELA OSTINI's mental
6 examination are as follows:

7 DATE: January 17, 2008

8 TIME: 9:30 a.m.

9 EXAMINER: Mark Kimmel, Ph.D.

10 PLACE: 5665 College Avenue, Suite 240B, Oakland, CA
11 94618; (510) 655-7997.

12 MANNER: The examination will include a clinical
13 interview that is approximately three (3) hours in length. The
14 examination will also include approximately four (4) hours of
15 psychological testing. Therefore, the total examination time for
16 the mental examination will be approximately seven (7) hours,
17 exclusive of breaks.

18 CONDITIONS: Plaintiff ANGELA OSTINI will be permitted at
19 least one five minute break per hour for the mental examination.
20 Additional reasonable breaks will be permitted upon request.
21 Plaintiff ANGELA OSTINI will also be permitted a one hour lunch
22 break. Time used for breaks is not included in calculating the
23 three hour time period for the clinical interview and the four
24 hour time period for psychological testing.

25 SCOPE/NATURE: The clinical interview will include topics
26 relating to the incident, psychological symptoms, assessment
27 evaluation, background medical history, psychological history,
28 educational history, substance abuse history, social and

1 relationship history, childhood history, prior history of
2 psychological symptoms, personality, and current symptoms.

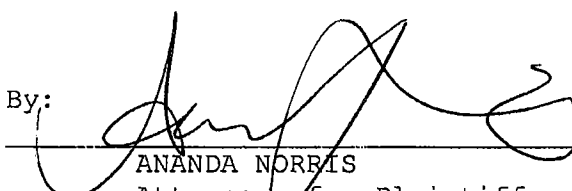
3 The psychological testing will include the following:
4 Personality Inventory; MMPI-II; Beck Depression Inventory;
5 Spielberger State-Trait Anxiety Inventory; Millon Clinical Multi-
6 Axial Inventory 3; Shipley Institute of Living Scale; Wahler
7 Physical Symptoms Inventory.

8 4. No third party(ies), including but not limited to the
9 parties' attorneys of record, will be permitted to be present
10 during any portion of the examination.

11 5. This stipulation will not be deemed to incorporate all
12 of the provisions of Rule 35; specifically, it does not include
13 the rules for exchange of medical or psychological reports and
14 waiver of privilege.

15 Dated: December 19, 2007

16 By:

17 
18 ANANDA NORRIS
19 Attorneys for Plaintiffs
ANGELA OSTINI and DENNIS OSTINI

20 DATED: December __, 2007 SELMAN BREITMAN LLP

21 By:
22 _____
23

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25 GREGG A. THORNTON
26 DANIELLE K. LEWIS
27 Attorneys for Defendants
28 CITY OF BURLINGAME; BURLINGAME
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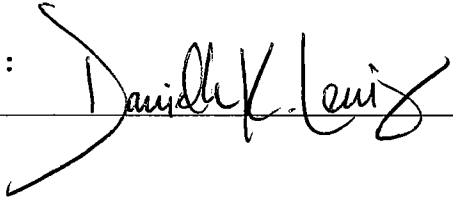
15 Dated: December __, 2007

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17 By:

18 ANANDA NORRIS
19 Attorneys for Plaintiffs
ANGELA OSTINI and DENNIS OSTINI

20 DATED: December 19, 2007 SELMAN BREITMAN LLP

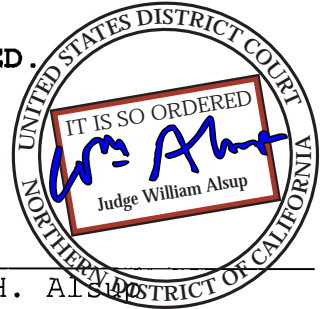
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22 By:

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: December 21, 2007

By: _____

Hon. William H. Alsup
United States District Judge
Northern District of California